

REMARKS

The present amendment is submitted in response to the Office Action dated February 13, 2004, which set a three-month period for response, making this amendment due by May 13, 2004.

Claims 14-26 are pending in this application.

In the Office Action, the Examiner noted application SN 09/913,247 to Williges at relevant to the present invention. The abstract and disclosure were objected to for an informality. The Examiner noted that the pending claims are directed to three, patentably distinct species of the claimed invention and required the Applicant to elect a single disclosed species for prosecution on the merits. The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. Claims 1-13 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 13 was objected to as an impermissible claim under U.S. practice. Claims 7, 11, and 13 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

First, the Applicant wishes to note the pending claims have been renumbered as claims 14-26, in light of the Simultaneous Amendment of November 29, 2001, in which the original claims 1-13 were canceled, and new claims 1-13 were submitted, which omitted multiple claim dependencies. Therefore, pending claims 14-26 correspond to claims 1-13, respectively, added in the Simultaneous Amendment.

In view of the Examiner's suggestions on page 6 of the Office Action, the Applicant has canceled claims 20 and 24 (former claims 7 and 11). The limitations of claim 26 (former claim 13, which was canceled) were added to claim 14 (former claim 1), with claim 14 amended to define an equation using the variable TMA (as disclosed on page 8, at line 4) and to specify that TMA can be any one of the three temperatures listed on page 8, lines 6-7 of the specification.

The specification has been amended to change the section headings to standard headings and to delete reference to the claims. The abstract has been amended to a single paragraph of less than 250 words.

With regard to the objection to the specification on page 7, lines 22-27, the objected-to section explains that the temperature sensor 32 detects the coolant temperature, "which approximately corresponds to the coolant temperature at the outlet 36 of the bypass line 22, *provided that the bypass line 22 is short and the distance at the junction 24 from the temperature sensor 32 is not too great*" (Emphasis added) If the bypass line is not long enough for this purpose, then an additional sensor can be provided at the outlet 36 of the bypass line 22. Figure 1 clearly shows that the sensor 32 is disposed proximate to the junction 24, such that the sensor 32 can measure the coolant temperature of the outlet 36.

Figure 1 has been amended to show this additional temperature at the outlet 36. Claim 12 has been canceled.

Because the Applicant has adopted the Examiner's suggestions for amendments and/or cancellation of the claims, the Applicant respectfully submits that claims 14-19 and 21-23 now stand in condition for allowance.

In light of the foregoing amendments and arguments in support of patentability, the Applicant respectfully submits that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,


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